

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE**

RICHARD DASCHBACH and ELCINDA  
PERSON, individually and on behalf of all  
others similarly situated,

Plaintiff,

v.

ADVANCED MARKETING &  
PROCESSING, INC. d/b/a PROTECT MY  
CAR, a Florida corporation,

Defendant.

Case No. 1:20-cv-00706-JL

Hon. Joseph N. Laplante

**STIPULATED DISCOVERY PLAN**

Plaintiffs Richard Daschbach and Elcinda Person (“Plaintiffs”) and Defendant Advanced Marketing Processing, Inc. d/b/a Protect My Car (“Defendant” or “PMC”), by and through their undersigned counsel, submit the following proposed discovery plan.

***Request for Clarification***

The parties request clarification regarding the scope of the upcoming trial scheduled for June 2, 2021 through June 3, 2021. To avoid unnecessary discovery expenses, the Parties request that the Court issue an Order clarifying whether the trial and, thus, discovery will encompass the claims of Daschbach, Person, or both.

***Discovery Limitations***

To streamline the discovery process, each party agrees to exchange the following initial disclosures on the date indicated in the schedule below. Plaintiffs agree to disclose their cellular telephone service providers and internet service providers, a list of electronic devices that were in their possession in March or April 2019 that have access to the internet (and the brand, model, and operating system of each such device), and any persons who they expect to be called to

testify as a witness in this trial. Defendant agrees to identify any persons who it expects to be called to testify as a witness in this trial, including identifying Fluent, LLC (“Fluent”) and its principal business address.

The parties also agree to discovery as follows. Plaintiffs and Defendant shall be limited to requests for inspection of devices, ten (10) requests for production to each party,<sup>1</sup> seven (7) interrogatories to each party, ten (10) requests for admission to each party, subpoenas of non-parties, and three (3) depositions per side, plus depositions of any disclosed experts. This agreement is without waiver of a party’s ability to seek permission from the Court to propound additional discovery upon a showing of good cause. The parties also agree to provide their responses to written discovery requests and to requests for inspection within fourteen (14) days of service.

### ***Proposed Schedule***

The parties propose the following discovery schedule:

- Limited Initial Disclosures: March 24, 2021;
- Deadline to Serve First Set of Written Discovery Requests: March 26, 2021;
- Deadline to issue subpoenas to Fluent: March 31, 2021;
- Each party shall serve its initial expert disclosures by: April 29, 2021;
- Each party shall serve its rebuttal expert disclosures by: May 6, 2021;
- Depositions of all nonexperts and experts shall be completed by: May 19, 2021;
- All discovery shall be completed by: May 19, 2021;
- The Parties shall submit a Joint Statement of Facts and a Timeline of Events on or before May 26, 2021; and

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<sup>1</sup> Such that, for example, Defendant may serve ten requests for production to each Plaintiff in the case.

- The Parties shall exchange witness and exhibit lists on or before May 26, 2021.

Dated: March 23, 2021

/s/ Taylor T. Smith

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Dated: March 23, 2021

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above titled document was served upon counsel of record by filing such papers via Court's ECF system on March 23, 2021.

/s/ Taylor T. Smith